

CHAPTER NO. 103

SENATE BILL NO. 1189

By Clabough

Substituted for: House Bill No. 518

By Bittle, Boyer

AN ACT To amend Tennessee Code Annotated, Section 70-4-116 and Section 70-4-403(3)(P), relative to elk.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Subsections (a), (b), (c), (d) and the first sentence of subsection (f) of Section 70-4-116, Tennessee Code Annotated, are amended by adding the punctuation and words ", wild elk" between the word "bear" and the word "or" wherever they may appear.

SECTION 2. Subdivision (1), subsection (e) of Section 70-4-116, Tennessee Code Annotated, is amended by adding the language "except that a violation of any of these sections relative to wild elk shall be a Class A misdemeanor" to the end of the first sentence.

SECTION 3. Subsection (f) of Section 70-4-116, Tennessee Code Annotated, is amended by adding the language "nor less than one thousand dollars (\$1,000) for each wild elk so killed or possessed" to the end of the last sentence.

SECTION 4. Tennessee Code Annotated, Section 70-4-116, is amended by adding a new appropriately designated subsection to read as follows:

() The court shall have authority to order payment of restitution to the wildlife resources agency as part of punishment for any person convicted of illegally or improperly killing or possessing a wild elk. In addition to any other relevant factors to consider when determining the amount of restitution, the court shall include the costs associated with the reintroduction of a wild elk. Notwithstanding any provision of law to the contrary, a farmland owner, lessee or designee may take an elk found within a "no elk zone" when he or she reasonably believes the elk is causing or has caused damage to his or her property. In all other situations, the farmland owner, lessee or designee shall first provide the agency an opportunity to relocate the elk. The "no elk zone" shall be defined by the commission.

SECTION 5. Tennessee Code Annotated, Section 70-4-403(3)(P) is amended by adding the following language between the word "deer" and the punctuation and word "; and":

and except wild elk. Elk originating from a legal source while held in captivity for the purpose of farming shall be regarded as Class III Wildlife. All other elk shall be wild elk and shall be regarded as Class II Wildlife. No person shall possess elk in captivity within the Eastern Grand Division of the State as defined in Section 4-1-202 without having documentary evidence indicating the origin of the elk being held. This documentary evidence will be presented to the agents of the


Department of Agriculture or the wildlife resource agency upon request. Sale documentation of offspring of purchased elk is not required.

SECTION 6. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

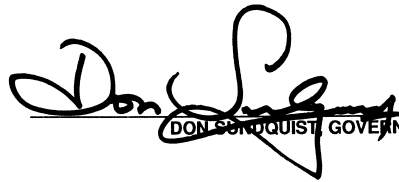
SECTION 7. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: April 16, 2001


JOHN S. WILDER
SPEAKER OF THE SENATE


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 18th day of April 2001


DON SUNDQUIST, GOVERNOR